

EXHIBIT B

Declaration of Terrance Mims

DECLARATION OF TERRANCE MIMS

I, **Terrance Mims**, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I am currently employed as kitchen manager and have been so employed for one year. In this capacity, I know Giovanni DiPalma.

3.

I am aware of the Department of Labor Investigation that began sometime around July or August 2014.

4.

At no time has Mr. DiPalma told me that he wanted me to lie to the Department of Labor Investigators.

5.

At no time have I witnessed Mr. DiPalma instructing an employee that he wanted him or her to lie to the Department of Labor Investigators.

6.

At no time has Mr. DiPalma told me he wanted me to leave the premises because he did not want me to speak to a Department of Labor Investigator.

14.

At no time have I been intimidated or afraid that I will be fired for cooperating with the Department of Labor's investigation.

15.

At no time have my wages been delayed or withheld because Mr. DiPalma believed that I was participating in the Department of Labor investigation.

16.

At no time has Mr. DiPalma told me he was going to call the immigration authorities to report former employees because Mr. DiPalma believed they called the Department of Labor.

17.

To my knowledge, I do not know of anyone who has been terminated by Mr. DiPalma because he believed those employees spoke with the Department of Labor investigators or participated in the Department of Labor investigation.

18.

At no time have I seen Mr. DiPalma get in a physical altercation with an employee.

19.

On or around August 30, 2014, I was working in the kitchen at Gio's Chicken and witnessed an argument between Mr. DiPalma and Maura, a lead server. Mr. DiPalma came into the kitchen and asked Maura where her daughter, Wendy, and Wendy's husband, Javier, both of whom were employed at Antico Pizza, were for Labor Day weekend. Maura told Mr. DiPalma that she did not know where Wendy and Javier were. Mr. DiPalma expressed his belief that Maura was lying to him and that she knew where Wendy and Javier were over Labor Day weekend. I understood Mr. DiPalma was very concerned that two of his employees were not there for the busy Labor Day weekend. Maura, however, kept denying that she knew where her

daughter and son-in-law were. I believed that Maura was lying to Mr. DiPalma and that she did know where Wendy and Javier were, because they are a very close family. Also, Maura had previously told me that Javier was getting baptized in her church at some point. I had overheard her telling many employees about the baptism. I believed Javier and Wendy were at the church during the argument on or around August 30, 2014, and that Maura knew that was where they were.

20.

After Maura kept denying that she knew where Wendy and Javier were, Mr. DiPalma asked Wensus, Maura's husband and another worker at Gio's Chicken, where they were. Wensus said he did not know and told Mr. DiPalma to "find out for himself" where they were. I believed Wensus's comment was insubordinate. After Wensus and Maura refused to tell Mr. DiPalma where Wendy and Javier were, Mr. DiPalma left the kitchen. At no point in time did I hear Mr. DiPalma mention the Department of Labor investigation during the argument. Mr. DiPalma did not fire or threaten to fire Wensus, Maura, Wendy, or Javier.

21.

A few minutes after Mr. DiPalma left, Wensus and Maura gathered their belongings and left the restaurant. Maura shook her finger at everyone in the kitchen as she left. It appeared to me that they had quit. Helen, a manager, came in soon afterwards, and I told her that Wensus and Maura had left. She seemed very surprised that they were gone.

22.

I have never seen Mr. DiPalma, during that argument, or at any other time, drag Maura or Wensus by the arm, or get in any physical altercation with Maura or Wensus.

23.

Two or three weeks after the August 30th argument, Ms. Swopes, the Department of Labor Investigator, called me to ask about the argument between Maura, Wensus, and Mr. DiPalma. I told her that I had witnessed the argument, and that it was Mr. DiPalma's belief that Maura and Wensus were lying to him about where Wendy and Javier were over Labor Day weekend. Ms. Swopes never asked me if the argument involved the Department of Labor investigation. Had she done so, I would have told her that the argument had nothing to do with the investigation. Ms. Swopes also asked me if Mr. DiPalma had fired Wensus and Maura. I told her no.

24.

For the several months after I became the kitchen manager on or around late 2013 or early 2014, I found it very difficult to supervise Maura and Wensus. During that time, they were insubordinate towards both me and Mr. DiPalma. I believe they resented the fact that I had been promoted over Wensus. I also suspected that they were stealing food from the kitchen, such as steak or shrimp. I shared my suspicions with the managers. It is my belief that the managers told Mr. DiPalma about it, but that Mr. DiPalma did not fire them because he gave Maura and Wensus the benefit of the doubt and because he valued Javier.


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25.

Since I have worked for Mr. DiPalma and Gio's Chicken, there has been very low turnover of employees. I believe the reason for this is because Mr. DiPalma treats all of his employees like they are his family, and that Mr. DiPalma trusts his employees and gives them the benefit of the doubt.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 5th day of October, 2014 in Atlanta, Georgia.



Terrance Mims